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REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment claims 1, 8, 15 and 19 are amended, claims 25-28 are added, and no claims are canceled. As a result, claims 1-28 are now pending in the application. Support for the newly added claims can be found throughout the disclosure, for example, at pages 5-6 of the specification.

In the final Office Action of September 16, 2008, claims 1-20 are rejected under 35 U.S.C. §103(a) in view of the published International Application WO 92/22983 ("Browne") further in view of the published U.S. Patent Application 2002/0066113 ("Utsunomiya") and yet further in view of U.S. Patent 6,453,115 ("Boyle"). Claims 21-24 are rejected under 35 U.S.C. §103(a) in view of the Browne further in view of the Utsunomiya yet further in view of Boyle and yet even further in view of published U.S. Patent Application 2002/0083145 ("Perinpanathan").

35 U.S.C. §103 Rejections

The §103(a) rejection of claims 1-20 in view of the hypothetical combination of Browne/ Utsunomiya /Boyle and the §103 rejection of claims 21-24 in view of the hypothetical combination of Browne / Utsunomiya / Boyle / Perinpanathan are obviated by the amendments to independent claims 1, 8, 15 and 19. It is respectfully submitted that the rejections are overcome for at least the following reasons.

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The present patent application involves the storage and distribution of programs recorded by a Personal Video Recorder (PVR) which may have a first memory and a network interface connected via a network to a second memory. Various embodiments can be configured with virtual storage management (VSM) logic to track the location of the second memory on the network. One advantage of the various embodiments is that the VSM can store a portion of a program P being recorded by the PVR in the second memory in the event the first memory does not have enough capacity for the entire program. The claims have been amended to further recite a personal computer connected to the same network as the PVR. In various embodiments the PVR is connected to the second memory via the network and the PVR is connected to the personal computer via the same network. This configuration differs from the applied hypothetical combinations.

In the Office again contends that the optional storage section 104b of Browne can somehow be construed as a second memory, as recited in the claims. As argued previously, the Browne device is structured differently than the claimed invention and would not operate in accordance with the claims even if modified by the Boyle, Utsunomiya and/or Perinpanathan as proposed in the Office Action (the previous arguments are hereby incorporated by reference). Moreover, the claims have now been amended to recite a personal computer connected to the same network as that connecting the PVR to the second memory. For example, claim 1, as amended, now recites "a network communicatively connected to said network interface device; a personal computer connected to the network; a second memory in communication with the PVR via the network interface device." The other independent claims are amended to recite similar features involving a personal computer connected to said network. It is respectfully submitted

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that Browne does not teach or suggest such features. As can be seen in Figure 1 of Browne, the optional storage 104b (alleged by the Office to be a "second memory") is connected directly to controller interface 105a. This connection is not a network, and is not connected to a personal computer *and* a PVR. The secondarily cited documents—Boyle, Utsunomiya and Perinpanathan—do not overcome this deficiency of Browne.

Consequently, it is respectfully submitted that the hypothetical combinations proposed in the final Office Action do not fall within the scope of the claims. Therefore, withdrawal of the rejection is earnestly requested and a full examination on the merits is respectfully requested.

New Claims

Claims 25 and 26 are added by this amendment, each of which recites "wherein the PVR is connected to the personal computer via said network." Claims 27 and 28 are also added by the amendment, each of which recites "establishing a connection between the PVR and the personal computer via said network." It is respectfully submitted that the prior art does not teach or suggest these features. For example, none of the documents cited in the Office Actions disclose the features of the newly added claims wherein the "network [is] communicatively connected to said network interface device" with "a second memory in communication with the PVR via the network interface device" as recited in claim 1, or the similar features recited in other claims.

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Deposit Account Authorization / Provisional Time Extension Petition

It is believed that no extension of time is required for this filing, and the accompanying

Request for Continued Examination (RCE) attends to the necessary fees. However, to the extent

necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this, concurrent and future

replies, including extension of time fees, to Deposit Account 50-0439 and please credit any

excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition

for allowance. However, in the event there are any unresolved issues, the Examiner is kindly

invited to contact applicant's representative, Scott Richardson, by telephone at (571)748-6200 so

that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

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Date: November 20, 2008

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